

CHRISTOPHER HALLUM
President of Council

MICHAEL KLINE
Vice President of Council

JOANNE E. MONACO
Clerk of Council

COUNCIL:

NANCY E. FELLOWS

JOE JARMUSZKIEWICZ

DANIEL KNECHT

TANYA TAYLOR DRAPER

DAN ZEGARAC

City of Willoughby Hills

Regular Council Meeting

Minutes of July 9, 2020

Policy No. 2: All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.

The Regular Council Meeting was called to order on **Thursday, July 9, 2020 at 7:01 p.m.** remotely, using Zoom and Facebook Live. Council President Hallum presided. (Audio: 0:06-0:20)

Pledge of Allegiance (Audio: 0:21-0:44)

ROLL CALL

(Audio: 0:45-1:19)

Members Present: Councilman Dan Zegarac, Councilwoman Nancy Fellows, Council President Chris Hallum, Councilman Joe Jarmuszkiewicz, Council Vice President Mike Kline, Councilman Dan Knecht and Councilwoman Tanya Taylor Draper.

Also Present: Mayor Andy Gardner, Finance Director Frank Brichacek, Jr., Law Director Michael C. Lucas, and City Engineer Pete DiFranco.

DISPOSITION OF THE JOURNAL

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS

(Audio: 1:20-1:33)

- 6/17/20 email from Mike Kline, re: New Council Training 6-24-20.
- 6/17/20 email from OML, re: Cares Act Funding.
- 6/17/20 email from Katherine Llyod, PCABR Clerk, re: PCABR Meeting 6-18-20.
- 6/17/20 email from Chris Hallum, re: Special Council Meeting Recording 6-15-20.
- 6/17/20 email from Chris Hallum, re: WHISPER Sub-Committee Meeting 6-16-20.
- 6/18/20 email from LogOn & Learn, re: Webinar- Protecting Children-COVID-19.
- 6/19/20 email from Gloria Majeski, re: Mayor's memo re: 6-25-20 Legislation.
- 6/19/20 email from Debbie Hladky, OMCA Website, re: Chicken Legislation.
- 6/19/20 email from Council Clerk, re: Revision 1, Agenda-Council Working Committee 6-22-20.
- 6/19/20 email from OMCA Website, re: CARES Act-HB 48.
- 6/19/20 email from Chief Collins, re: Officer in Charge of Police Department.
- 6/19/20 email from Nancy Fellows, re: Officer in Charge of Police Department.
- 6/19/20 email from OML, re: Legislative Bulletin.
- 6/22/20 email from Richard L. Jones, Civic Plus, re: Software.
- 6/22/20 email from NOACA, re: Public Meeting – NE Ohio's Water Quality Plan.

- 6/22/20 email from OMCA Website, re: Outdoor Meetings.
- 6/22/20 email from Gloria Majeski, re: Ordinance 2020-32 – CARES Act Participation.
- 6/22/20 email from Gloria Majeski, re: Photos for Council.
- 6/22/20 email from Chris Hallum, re: ZOOM Meeting invitation 6-22-20 Committee of the Whole/Rules and Legislation & Finance.
- 6/23/20 email from Gloria Majeski, re: Ordinance 2020-32, re: CARES Funding.
- 6/23/20 email from Gloria Majeski, re: 2020-40 Police Chief Collins' Rehire.
- 6/23/20 email from Chris Hallum, re: WHISPER Amendment.
- 6/24/20 email from Gloria Majeski, re: Special Council Meeting-Sub-Committee WHISPER-6/29/20.
- 6/24/20 email from Kevin Trepal, re: Contract Signatures – 2020 Sewer Rehab.
- 6/24/20 email from Gloria Majeski, re: 6/25/20 - Revised Agenda & Ordinance 2020-26 Amended.
- 6/24/20 email from Gloria Majeski, re: Coronavirus Relief Funding Information.
- 6/24/20 email from OMCA Website, re: Indoor Vaping.
- 6/24/20 email from Council Clerk, re: Agenda for 6-25-20 Meeting.
- 6/24/20 email from Gloria Majeski, re: Cancellation - 6-29-20 Special Council Meeting -WHISPER Sub-Committee.
- 6/24/20 email from Mike O'Conner, re: TowerCo site OH0345 28895 West Miller Rd., Willoughby Hills, OH 44095.
- 6/25/20 email from Council Clerk, re: Resolution Denouncing Racism.
- 6/26/20 email from Gloria Majeski, re: WHISPER Sub-Committee Meeting on 7-7-20
- 6/26/20 email from Gloria Majeski, re: Certified Copy of Resolution 2020-05 – Road Levy Submission to Electors.
- 6/26/20 email from Council Clerk, re: Adopted Legislation from 6-25-20 Regular Council Meeting.
- 6/29/20 email from OMCA Website, re: Special Street Light Assessment.
- 6/29/20 email from OMCA Website, re: Mask Requirement.
- 6/29/20 email from Gloria Majeski, re: Notification for Regular Council Meeting for July 2020.
- 6/29/20 email from Kathy Llyod, re: PCABR Meeting on 7-2-20.
- 6/30/20 email from Frank Brichacek, re: FOIA Request.
- 7/01/20 email from OMCA, re: COVID Resolution to accept Funding.
- 7/01/20 email from Gloria Majeski, re: Zoom Meeting -Mayor's Staff Meetings.
- 7/01/20 email from OMCA Website, re: Cares Act Relief Fund-Stimulus Payment.

PUBLIC PORTION #1 (Audio: 1:34-5:08)

An opportunity for the public to address Council concerning anything pertaining to tonight's Agenda.

Public Portion opened at 7:03 p.m.

Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094

- Mr. Cihula asked where he could get a copy of tonight's Agenda; he could not find one.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094

- Ms. Bing asked about the plans for the City's budget surplus.
- She reviewed the monthly reports that go to Council and financially they look fine and on track.
- She would like to know where the City stands financially with COVID-19 and is there any contingency planning.

Public Portion closed at 7:06 p.m.

MAYOR'S REPORT (Audio: 5:09-11:30)

Mayor Gardner responded to Mr. Cihula's question and stated that the Agenda is posted on the City's Website, under Council Records.

Mayor Gardner reported:

- **COVID-19** update: As of this morning, the City has over 50 cases, compared with only 24 cases on June 16, 2020. The largest number of cases now is in 20-29 years old demographic.
- The County had 21 new cases yesterday; the highest they have had.
- EMS responses have increased in the last two weeks in the City for COVID-19 cases.
- He cannot stress enough that this virus continues to pose a risk, especially our senior population.
- Continues to urge all residents to follow the Health Department suggestions and guidelines for safety and the safety of others.
- He met with Department Heads today and they continue to review their response to COVID-19; discussed COVID-19 policy & procedures and discussed increasing their readiness to respond if things continue to escalate.
- The City received \$532,000 of CARES ACT Funding for expenses related to COVID-19.
- It does not permit the City to use CARES ACT Funding for revenue replacement.
- The Finance Department and the Law Director are reviewing the guidelines of said Funding.
- Labor Union negotiations continue and are having productive meetings.
- Weather permitting, street rehab. is scheduled for 7/20/2020 for Evergreen Drive, Beech Hills Drive, and Graylock Drive.
- City Engineer DiFranco is monitoring the funding for the Rockefeller Road Project.
- 2020 Sewer Rehab. Project met this week for a pre-construction meeting, residents will be advised when work is being done in their neighborhood.
- Asked Council to select two members to assist with interviews for Police Chief Collins' replacement.
- Councilman Jarmuszkiewicz and Councilwoman Fellows expressed interest in assisting.
- Received three applications for Grange Curators, Tom Majeski, Bob Bartolotta and Former Mayor Bob Weger.
- Accepting applications through Monday, July 13, 2020 for the Planning Commission/ABR position.

- Grateful to all the residents who supported the Fire Department and Police Department this month, and throughout the year
- The Senior of The Day Program is continuing. If you would like to nominate a Senior, please call the Mayor's Office.
- Upcoming Events: Drive-Thru Extravaganza (postponed Easter Egg Extravaganza) at Calvary Church on 7/18/20 from 10:00 a.m.-11:00 a.m. and Garage Sale Day on 8/1/20.

Questions/comments following Mayor's Report: (Audio: 11:31-12:31)

Councilwoman Fellows asked where did the statistics for COVID-19 for the City come from, the Health Department in Lake County? And do you get a daily or weekly update; do they call you or do you call them? **Mayor Gardner** stated that he receives a periodic update from the Health Department, sometimes on Tuesday, sometimes on Wednesday and sometimes on Thursday of the week. It is in a graph in the County. Technically, it is the Lake County General Health District which also serves Ashtabula and Geauga Counties.

LAW DIRECTOR'S REPORT (Audio: 12:32-12:38)

Law Director Lucas reported:

There was no report.

Questions/comments following Law Director's Report: (Audio: 12:39 -12:45)

There were none.

FINANCE DIRECTOR'S REPORT (Audio: 12:46-14:38)

Finance Director Brichacek reported:

- Requests the passage of Ordinance 2020-33, which adopts the City's 2021 Tax Budget.
- As required by law, a public hearing on the Tax Budget was held prior to the June 25, 2020 Council Meeting,
- The proposed Tax Budget has been available on the City's website and City Hall for public inspection since May 26, 2020 as required by law.
- The primary purpose of the Tax Budget is to demonstrate to the County Budget Commission the need for property tax revenue to operate.
- Property Taxes account for approximately 8. % of the City's General Revenue Fund and 13.3% of the City's total revenue for all funds.
- Ordinance 2020-37 places the renewal of the 2.5 mill road levy for the next five years on the November ballot for the City's residents to consider.
- The road levy is the primary funding source for the City's major road resurfacing programs. The levy has been unchanged for the last 15 years.
- The County Auditor has certified that the levy is estimated to generate approximately \$632,000 per year at 100% collection.

- This a renewal fund and does not change the City's property tax rate for the last several years.
- The City has received CARES Act Funding; legislation will be presented to Council at the next meeting to establish a new Special Revenue Fund to account for the Grant Revenue.
- This is a requirement of the grant and does not require approval by the State Auditor's Office.

Questions/comments following City Finance Director's Report: (Audio: 14:39-19:19)

Councilman Jarmuszkiewicz asked how has the revenue been with the City's income tax? **Finance Director Brichacek** stated that with the changes in the tax filing deadline from 4/15/20 to 7/15/20 and deferring the first two quarters estimated payments, they are running about \$655,000 behind at the same point that they were last year. **Councilman Jarmuszkiewicz** asked, "do we expect that to catch up"? **Finance Director Brichacek** stated that was expected and would get a better idea around October/November.

CITY ENGINEER'S REPORT (Audio: 19:20-21:25)

City Engineer DiFranco reported:

- Requested two motions to go out to bid: 1) Corp 90 Sanitary Sewer Force Main and 2) Rockefeller Road Resurfacing Project.
- Currently under design on the Corp 90 Force Main Project; anticipate going out to bid in August. The project is in the Budget and ready to go.
- The funding for the Rockefeller Road Project is progressing. The funding was approved by the State House and State Senate in June, awaiting action by the Governor.
- The Engineering is contingent upon the financing from the State.
- He is confident that the funding will occur and is willing to proceed at their own risk in order to keep the project moving. Hopefully, they will get it constructed this year.
- There is no risk to the City of Willoughby Hills.

Questions/comments following City Engineer's Report: (Audio: 21:26-22:16)

Council President Hallum asked whether it was "Corp 90" or "Corp 91"?

City Engineer DiFranco stated it was Corp 91, SOM Center Road. **Council President Hallum** asked to be clear, we need a motion to go to bid for the Corp 91 Force Main and for the Rockefeller Road Resurfacing Project? **City Engineer DiFranco** stated: correct, yes.

COMMITTEE REPORTS (Audio: 22:17-27:21)

Councilman Taylor Draper reported on the WHISPER Sub-Committee: (Audio 22:17-25:08)

- The Sub-Committee met on Tuesday, 7/7/20, to "tidy up" the documents for the Guideline Book.
- Discussed the WHISPER logo, which will be a photo of the Pleasant Road Bridge.

- Once the Guideline Book has been proof-read and formalized, applications for services or to volunteer will be available. Please see the City's Website for additional information. The anticipated start date is 8/1/20.
- A huge banner will be located in front of the Community Center announcing WHISPER'S reemergence.
- Announcements will be made at churches and other organizations.
- Disappointed with the News Herald article regarding WHISPER'S reemergence.
- Suggested to the Editor and Writer, to always include both sides of the story.
- They plan to do so and will be covering the Program when it starts in August.
- Several concerns were mentioned at the last Council Meeting about the WHISPER Program and the documents that were reviewed.
- Gloria Majeski typed up each and every concern and those concerns were addressed at the Sub-Committee meeting on 7/6/20.

Questions/comments following WHISPER Sub-Committee Report: (Audio: 25:09-26:15)

Council President Hallum asked: when do you see the transition from Sub-Committee to the actual group that will be managing the WHISPER Program? **Councilwoman Taylor Draper** stated that as the handbook is solidified, they anticipate the application process to start. There is an application that they are reviewing for residents, who would like to be on the Committee. They will also ask Department Heads to select individuals to participate on the Committee.

Councilman Jarmuszkiewicz reported on the Recreation Commission: (Audio: 26:16-26:36)

- The Recreation Commission is requesting Council to declare it for public purpose, the January 18, 2020 Extravaganza Drive-Thru at Calvary Church.

Questions/comments following Recreation Commission Report: (Audio: 26:37-26:45)

Council President Hallum stated that **Councilman Jarmuszkiewicz** would need to make a motion during New Business to declare the Extravaganza Drive-Thru at Calvary Church a public purpose.

COMMITTEE REPORTS (continued) (Audio: 26:46-27:17)

PC-ABR:

Councilwoman Taylor Draper reported on the **Architectural Board of Review & Planning and Zoning:**

- The Architectural Board of Review & Planning and Zoning met on 7/2/20.
- There were various homes, sheds, indoor pools, and garages that were approved.

Questions/comments following Committee Reports: (Audio: 27:18-27:21)

There were none.

UNFINISHED BUSINESS (Audio: 27:22-3:12)

Councilwoman Taylor Draper discussed the Resolution on Racism.

- A draft of the Resolution on Racism was prepared by Council President Hallum and Councilwoman Taylor Draper and was sent to members of Council for their review.
- Reviewed Resolutions from neighboring cities, organizations, Cleveland Clinic, University Hospitals, and their reflection on racism.
- Bullying was not mentioned in any of those Resolutions.
- She is interested in hearing everyone's (Council's) thoughts on the draft.

Council President Hallum recommended if anyone had any comments, they could discuss it at the next Committee of Whole Meeting. And if anyone had any recommendations, updates, changes, or questions, feel free to email Councilwoman Taylor Draper.

LEGISLATION (Audio: 30:13-33:13)

ORDINANCE 2020-33 -THIRD READING

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2021 FOR THE CITY OF WILLOUGHBY HILLS.

Motion made by Councilman Jarmuszkiewicz, seconded by **Councilman Zegarac** to adopt **Ordinance 2020-33**.

Discussion: None.

Roll Call: **AYES:** Zegarac, Fellows, Hallum, Jarmuszkiewicz, Kline, Knecht and Taylor Draper
 NAYS: None
 Vote: 7/0

Motion Carries to adopt Ordinance 2020-33, Tax Budget for the Fiscal Year 2021.

ORDINANCE 2020-37-AMENDED-SECOND READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING 2.5 MILL LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, BRIDGES AND THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT & MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR & FACILITIES IN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Council President Hallum stated this Ordinance will remain on Second Reading.

Discussion: None

ORDINANCE 2020-39 – SECOND READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A DOCUMENT MANAGEMENT AGREEMENT WITH COM DOC FOR THE LEASE OF FIVE (5) NEW XEROX COPYING DEVICES AND MANAGED PRINT SERVICE FOR THE CITY OF WILLOUGHBY HILLS, RESCINDING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Council President Hallum stated this Ordinance will remain on Second Reading.

Discussion: None.

NEW BUSINESS (Audio: 33:14-39:22)

Motion made by Council Vice President Kline, seconded by Councilwoman Taylor Draper to appoint Councilman Jarmuszkiewicz and Councilman Zegarac to the Mayor's Interview Board for the selection of a new Police Chief.

Discussion:

Council President Hallum asked both Councilman Jarmuszkiewicz and Councilman Zegarac if they were still interested? Both **Councilman Jarmuszkiewicz** and **Councilman Zegarac** stated: Yes.

Roll Call: **AYES:** Zegarac, Fellows, Hallum, Jarmuszkiewicz, Kline, Knecht and Taylor Draper
 NAYS: None
 Vote: 7/0

Motion Carries to appoint Councilman Jarmuszkiewicz and Councilman Zegarac to the Mayor's Interview Board for the selection of a new Police Chief.

Motion made by Councilman Jarmuszkiewicz, seconded by Councilman Knecht to proceed with going out to bid for the Corp 90 Force Main.

Discussion: None.

Roll Call: **AYES:** Zegarac, Fellows, Hallum, Jarmuszkiewicz, Kline, Knecht and Taylor Draper
 NAYS: None
 Vote: 7/0

Motion carries to allow Mayor Gardner to proceed with going out to the bid for the Corp 90 Force Main.

Motion made by Councilman Jarmuszkiewicz, seconded by **Councilman Knecht** to proceed with going out bid for the Rockefeller Road Resurfacing Project.

Discussion: None.

Roll Call: **AYES:** Zegarac, Fellows, Hallum, Jarmuszkiewicz, Kline, Knecht and Taylor Draper
 NAYS: None
 Vote: 7/0

Motion carries to allow Mayor Gardner to proceed with going out bid for the Rockefeller Road Resurfacing Project.

Motion made by Councilman Jarmuszkiewicz, seconded by **Councilwoman Taylor Draper** to declare the Extravaganza Drive Thru event at Calvary Church on Saturday, July 18, 2020, a public purpose.

Discussion: None.

Roll Call: **AYES:** Zegarac, Fellows, Hallum, Jarmuszkiewicz, Kline, Knecht and Taylor Draper
 NAYS: None
 Vote: 7/0

Motion carries to declare the Extravaganza Drive Thru event at Calvary Church on Saturday, July 18, 2020 a public purpose.

Councilwoman Taylor Draper asked if the ZOOM ID# could be put on the Agenda. **Council President Hallum** stated: "Absolutely, we will do that".

PUBLIC PORTION #2 (Audio: 39:23-41:11)

An opportunity for the public to address Council with any comments, issues or concerns.

Public Portion opened at 7:40 p.m.

Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094

- To Mayor Gardner, regarding the COVID-19 numbers, geographically in the Community, especially the latest ones, were they in a cluster or was it spread throughout the whole Community?
- To Councilwoman Taylor Draper, the WHISPER comments that he expressed were not to be negative but point out some things that needed to be cleared up. Hopefully, that helped
- Will the Racism Resolution be available to the Public at some point?

Public Portion closed at 7:42 p.m.

Comments/Responses following Public Portion #2 (Audio: 41:12-42:38)

Council President Hallum responded the following to Mr. Fellows:

- The Racism Resolution is being reviewed by Law Director Lucas to put into a Resolution form. Upon completion, a draft of the Resolution will be available.

Mayor Gardner responded the following to Mr. Fellows:

- Geographically, the cases are very spread out in lines with our population. Due to HIPPA, addresses are not published. Our Safety Forces do keep records in case there is a positive COVID-19 result at a residence that they are responding to.

Councilwoman Taylor Draper responded the following to Mr. Fellows:

- There were some points that you made that were used to clarify other points. You did help, thank you.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY

(Audio: 42:39-43:51)

Mayor Gardner responded the following to Ms. Bing:

- We are monitoring the City's financial condition and we will know more in the next 6-8 weeks as the July collections come in.
- We have been cutting all unnecessary expenditures; overtime is being monitored.
- Believes that a Global pandemic is reason to utilize the rainy-day fund, if needed. The CARES Act Funding will also help us.

ADJOURNMENT (Audio: 43:52-44:57)

Motion was made by **Councilwoman Taylor Draper** to adjourn seconded by to **Councilman Zegarac**.

Roll Call: AYES: Zegarac, Fellows, Hallum, Jarmuszkiewicz, Kline, Knecht and Taylor Draper
NAYS: None
Vote: 7/0

Motion carries to adjourn the meeting of July 9, 2020.

The Regular Council Meeting of July 9, 2020 was adjourned 7:45 p.m.

APPROVED:

September 10, 2020

Date



Christopher Hallum

President of Council

ATTEST:

Joanne Monahan

Council Clerk